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Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BARBARA FRISBY

Plaintiff,

v.

AMYLIN PHARMACEUTICALS, LLC f/k/a
AMYLIN PHARMACEUTICALS, INC., ELI
LILLY AND COMPANY, and DOES 1-100,

Defendants.

MDL No. 13-md-2452-AJB(MDD)

Case No. 13-cv-2483 AJB MDD

**MOTION TO CORRECT CAPTION OF
COMPLAINT**

COMES NOW Plaintiff, Barbara Frisby, and seeks leave to correct the caption on her initial

1 complaint to remove the MDL caption.

2 1. On October 15, 2013, Barbara Frisby ("Plaintiff") filed this case as part of the *In Re:*
3 *Incretin Mimetics Liability Litigation*, a consolidated MDL action pending before this Court.

4 2. Plaintiff's claims arise from her diagnosis of thyroid cancer, which Plaintiff alleges is
5 causally linked to her use of the Defendant's prescription drug Byetta, a drug in the class of incretin
6 mimetics.
7

8 3. However, cases that involve the class of incretin mimetics, but that involve injuries
9 other than those associated with pancreatic cancer are not, at this time, included in this MDL.

10 4. Accordingly, Plaintiffs request that the MDL caption be removed from her original
11 Complaint, and that Plaintiff be granted leave to file her Complaint without the MDL caption,
12 attached hereto as Exhibit A.
13

14 5. This Court has independent subject matter jurisdiction over this matter.

15 **WHEREFORE**, Plaintiff respectfully requests that her Motion to Correct the Caption of her
16 Complaint to remove references to the MDL be granted per the Court's Order of November 21st,
17 2013 and that the Court direct the Clerk to file her Complaint without the MDL caption, attached
18 hereto as Exhibit A.
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21 Dated: December 13, 2013
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Respectfully Submitted,

/s/ Thomas J. Preuss

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